

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14644 of the D.C. Department of Housing and Community Development, pursuant to Section 3107.2 and 3108.1 of the Zoning Regulations, for variances from the floor area ratio requirements (Sub-Section 771.2), the parking requirements in the C-1 District (Section 2101.1), and the loading berth, service berth and loading platform requirements (Sub-Section 2201.1) and for a special (Sub-Section 212.1 to provide the required parking in the R-2 District for the proposed construction of a general and medical office building in a C-1/R-2 District at premises 4810 Nannie Helen Burroughs Avenue, N.E., (Square 5148, Lots 8-14, part of alley to be closed).

HEARING DATE: July 22, 1987

DECISION DATE: July 22, 1987 (Bench Decision)

Findings of Fact

1. The site, known as premises 4810 Nannie Helen Burroughs Avenue, N.E., is located on the north side of Nannie Helen Burroughs Avenue, N.E., between 48th Street, to the west and 49th Street to the east in the Marshall Heights neighborhood area. The site is split zoned C-1 and R-2.

2. The Site is unimproved, irregularly shaped and contains 24,753.70 square feet of land area. Lots 8, 9, 10, 11, 12, 13 and 14 (comprising 18,371.87 square feet) are located in the C-1 District and front on Nannie Helen Burroughs Avenue. Part of lot 17, known as tax lot 818 (comprising 6,381.83 square feet) is separated from the southern half of the site by a 15 foot wide paper alley and is located in an R-2 District. This portion of the lot has no street frontage. The paper alley has been proposed for closing.

3. North of the site there are single-family detached dwellings in the R-2 District built on the old East-Washington Railroad right-of-way. East of the site, there are two detached dwellings. One of the dwellings is vacant, the other is used as an antique shop in the C-1 District. South of the site, there is Watts Branch Park and Maude E. Aiton Elementary School. West of and abutting the site, there is a small corner office building which houses the applicant's offices.

4. The applicant is seeking area variances from the floor area ratio requirements (Section 772.1), the parking requirements in the C-1 District (Section 2101.1) and the loading berth, service berth and loading platform requirements (Section 2201.1). The applicant is also seeking a special exception to provide the required parking in the R-2 District for the proposed construction of a general and medical office building.

5. The Marshall Heights Community Development Organization (applicant) was incorporated in 1979 to perform community and economic development in Ward Seven. There exists a need for medical and social services facilities in Ward Seven. The Marshall Heights Development Organization undertook a feasibility market study which confirmed this finding. The proposed medical office building is expected to provide convenient services to the northern end of the Ward (north of Massachusetts Avenue). There are no hospitals located in Ward Seven.

6. The Marshall Heights Neighborhood Initiative Program Plan has designated the site as appropriate for development as an office park.

7. The D.C. Department of Housing and Community Development (DHCD) is the owner of the site. The DHCD designated development rights to the applicant in 1985. A preliminary market and feasibility analysis has been completed. Preliminary design drawings have also been completed and submitted to DHCD for its review and approval.

8. The applicant's development plans indicate the proposed construction of a three story plus cellar, 37,800 square foot, steel and concrete office building planned for the site. The building will front on Nannie Helen Burroughs Avenue and have 25, plus three staked, on-site parking spaces in the rear. A center elevator shaft will open on a small lobby on the ground floor of the building. Access to the building will be at street level in the front and at the rear from the parking lot. The building will have approximately 40,000 square feet of rental space. The building will be to the accessible handicapped. The cellar will be utilized as rental space for laboratory uses.

9. The building's use will be primarily medical and medically-related offices. Other tenants also will be served including other professional offices, the D.C. Department of Human Services' offices and the offices of the applicant.

10. The Zoning Commission rezoned the East Washington Railway Company right-of-way in 1978. Prior to 1978, the entire site was in a C-M-1 District. The property between

this right-of-way and Nannie Helen Burroughs Avenue, N.E. (then called Deane Avenue) was zoned entirely C-1. In 1978 the East Washington Railway Company right-of-way was rezoned R-2 to permit the construction of single family homes. When the zoning lines were redrawn, the line between the new R-2 zone and the C-1 zone was drawn along the paper alley rather than the southern border of the East Washington Railway Company right-of-way. In effect a landlocked R-2 parcel was created between the Old East Washington Railway Company property and the C-1 zone along Nannie Helen Burroughs Avenue, N.E. Houses were subsequently constructed on the East Washington Railway Company right-of-way. Lot 17 separates those houses from the C-1 zone.

11. The site is located in an area of the city where properties generally command low rents.

12. The site has soil and water problems that significantly increase the fixed cost of development, such as site preparation, excavation and engineering.

13. In order to secure financing for an office building in this area, it is necessary to pre-lease to a grade A tenant. The need for the Department of Human Services to relocate their income maintenance unit provided this type of tenant. Without the DHS lease, lenders would consider a medical office building at this location too risky. Department of Human Services needs 10,500 square feet on a single floor at a minimum. If floor size were reduced, Department of Human Services would not lease space and financing would be difficult to obtain.

14. The Applicant proposes to provide no loading berth or service/delivery loading berth.

15. The proposed office building will be leased to small tenants, with the exception of the Department of Human Services office. None of the tenants will require large shipments of materials or supplies. The tenants, including Department of Human Services, will only receive small, regular shipments of office and medical supplies that are delivered by sales personnel in their own automobiles or by small panel vans. Fifty-five foot trucks will not serve the building. The great majority of deliveries will be by small mail vehicles and vans.

16. Nannie Helen Burroughs Avenue, N.E., has a reserved parking lane in front of the project in addition to two lanes of traffic. The reserved parking lane and the 25 foot wide driveway along the east side of the building will enable loading and deliveries without interfering with traffic flow. The narrow depth of the site at the western end of the site would require the loading dock and berth to

be located at the eastern end of the building. This arrangement would interfere with the parking lay-out and traffic flow which enters the parking lot at the east end.

17. The site is located on a major Metro bus route. There is a bus stop located on the corner of 48th Street, and Nannie Helen Burroughs Avenue, a few steps north of the site. This bus route connects with the Minnesota/Benning Metro Rail station located approximately five blocks northwest of the site. It is expected that many of the employees and visitors to the site will use this convenient public transportation source.

18. Those employees and visitors driving to the site will find parking on-site as well as street curb spaces. The majority of the street frontage in this block of Nannie Helen Burroughs Avenue permits unrestricted parking, providing 34 parking spaces, 15 spaces on the north and 19 spaces on the south. There is a dead end street running parallel to Nannie Helen Burroughs off 49th Street, N.E., on the south side of Nannie Helen Burroughs Avenue. This paved area was formerly Grant Street, N.E., and deadends into the Watts Branch Park. Directly across Nannie Helen Burroughs Avenue from the proposed office building, this unusable stretch of pavement provides an additional eight parking spots. On 48th Street, between Nannie Helen Burroughs Avenue, N.E., and Hayes Street N.E., there are eleven (11) available parking spaces. In total there are 53 available street parking spaces in the immediate one block vicinity of the proposed office building.

19. There is very little placed on the curb spaces in the vicinity of the site. There are no major employment or retail business centers in the area which would compete with the proposed site for on-street parking spaces.

20. On an average day, there are three to four vehicles parked along Nannie Helen Burroughs in addition to the six vehicles belonging to the staff of the Marshall Heights Community Development Organization.

21. The single-family residences that predominate the area's housing stock have off street parking.

22. The proposed building will be sited on 70 percent of the C-1 parcel. The remainder of the C-1 parcel and the entire R-2 parcel are proposed for parking.

23. The parking lot will provide twenty-five spaces and will be below the grade of the adjacent residential lots to the north. A screen of trees separating the lot from the residences will be provided. The parking lot will be primarily used by office workers who will not move their vehicles during the course of a day.

24. By memorandum dated July 7, 1987 the Office of Planning (OP) recommended approval of the application. The Office of Planning fully endorsed the efforts of the Marshall Heights Development Organization to develop the proposed medical office building at this site, as Ward Seven is under serviced by this type of facility, and the proposed building will fill a void in this regard. OP is of the opinion that there is justification based on sound land use and zoning rationale to support the variance and special exception request.

25. By letter dated July 10, 1987 Advisory Neighborhood Commission (ANC) 7C reported that it voted to support the application. ANC 7C is of the opinion that the application met the requirements of the Zoning Regulations. The Board concurs with the recommendation of the Advisory Neighborhood Commission.

26. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the Applicant is seeking area variances and a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Sub-sections 3107.2 and 3108.1 of the Zoning Regulations. Sub-section 771.2 of the Zoning Regulations allows an F.A.R. of 1.0, or 18,371.87 square feet of gross floor area for the site. The proposed structure will contain 37,800 square feet necessitating a variance of 19,428.13 square feet or 105.75 percent. Sub-section 2101.1 of the Zoning Regulations requires that 102 spaces be provided for the site. The Applicant proposes to provide 25 parking spaces necessitating a variance of 77 spaces, or 75.49 percent. The Applicant will provide an additional three stacked parking spaces which do not count toward fulfilling the requirement. Sub-section 2201.1 requires that one service/delivery loading berth and one loading platform be provided for the site. None will be provided necessitating a variance of 100 percent. Sub-section 212 provides that a parking lot may be permitted as a special exception in an R-2 District if it meets the requirements of the section.

The Board concludes that the applicant has met the burden of proof. The site is in a split zone, an exceptional condition that makes this site unique. The R-2 portion of this split zone is to the rear of the site and has no street frontage. The R-2 zone was created by redrawing the zoning line between the East Washington Railway Company right-of-way, and the C-1 zone along the

paper alley rather than the southern border of the right-of-way. Creation of this landlocked R-2 zoned parcel that can only be developed in conjunction with the C-1 zone makes this site unique in that the R-2 parcel's only practical use is for parking. If the entire site were zoned C-1, as it was originally, then the FAR would be calculated based on the entire lot area of 24,753.7 square feet of land in the C-1 District. Thus the applicant loses 6,381.83 square feet of lot area in calculating the FAR. The soil and water problems create an exceptional difficulty as a result of strict application of the Zoning Regulations. The higher costs of site preparation and foundation design and construction make a smaller building economically infeasible at this site. The Board concludes that adequate parking is available for the site. The odd shape of the site and the fact that the site only has street access on Nannie Helen Burroughs Avenue presents a practical difficulty in designing and providing a loading dock and berth for this building. In order to provide truck access, turn-around and a loading dock, many of the parking spaces at the east end of the parking lot would have to be eliminated.

The Board concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that the requirements of section 212 have been met and that adequate parking is available for the site.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and map and it will not affect adversely the use of neighboring property.

The Board concludes that it has accorded to Advisory Neighborhood Commission 7C the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the CONDITIONS that the site be developed in accordance with the plans marked as Exhibit No. 19B of the record and the occupancy of the building be limited to C-1 office uses.

VOTE: 4-0 (Paula L. Jewell, John Parsons, William L. McIntosh

and Charles R. Norris to grant; Carrie L. Thornhill not voting, having recused herself)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

OCT 7 1987

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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